

CITY OF NEWARK
DELAWARE

COUNCIL MEETING MINUTES

OCTOBER 23, 2023

Those present at 6:00 p.m.:

Presiding: Deputy Mayor, District 6, Travis McDermott
District 1, John Suchanec
District 2, Corinth Ford
District 3, Jay Bancroft
District 4, Dwendolyn Creecy
District 5, Jason Lawhorn *(Virtual)*

Secretary’s Note: Ms. Ford arrived at 6:05 p.m. Mr. Lawhorn was present during the Executive Session, then arrived at 7:03 p.m.

Staff Members: City Manager Tom Coleman
City Secretary Tara Schiano
City Solicitor Paul Bilodeau
Deputy City Secretary Diana Reed
Planning & Development Director Renee Bensley
Planning & Development Deputy Director Jessica Ramous-Velasquez *(Virtual)*
Public Works and Water Resources Director Tim Filasky
Public Works and Water Resources Deputy Director Ethan Robinson *(Virtual)*
Chief of Community Engagement Officer Jayme Gravell *(Virtual)*
Chief Procurement and Projects Officer Jeff Martindale
IT Infrastructure Donald Lynch
Finance Director David Del Grande *(Virtual)*
Captain Michael Van Campen *(Virtual)*
Senior Mechanic II Dave Vispi
Senior Planner Michael Fortner

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- 1. Mr. McDermott called the meeting to order at 6:00 p.m.
 - 2. **EXECUTIVE SESSION**
 - A. Executive Session pursuant to 29 Del. C. §10004 (b) (4) and (9) for the purpose of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to potential litigation when an open meeting would have an adverse effect on the litigation position of the public body and personnel matters in which the names, competency and abilities of individual employees are discussed

MOTION BY DR. BANCROFT, SECONDED BY MR. SUCHANEC: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B) (4) AND (9) FOR THE PURPOSE OF STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING OR POTENTIAL LITIGATION WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY AND PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED.

MOTION PASSED. VOTE 4 TO 0.

Aye – Suchanec, Bancroft, Creecy, McDermott.
Nay – 0.
Absent – Ford, Lawhorn.

- 3. **RETURN TO PUBLIC SESSION**

Council exited Executive Session at 7:00 p.m.

MOTION BY MS. FORD, SECONDED BY MR. SUCHANEC: TO DIRECT THE CITY MANAGER AND THE CITY SOLICITOR TO MAKE AMENDMENTS TO THE CODE OF ETHICS RELATED TO PERSONNEL MATTERS AND HARASSMENT.

MOTION PASSED. VOTE: 5 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, McDermott.

Nay – 0.

Absent – Lawhorn.

4. SILENT MEDITATION & PLEDGE OF ALLEGIANCE

Mr. McDermott asked for a moment of silence and the Pledge of Allegiance.

Mr. McDermott explained the procedures for the hybrid Microsoft Teams Meeting Platform. He stated that at the beginning of each item, he would call on the related staff member to present and, once the presentation was complete, he would call on each Councilmember to offer their comments. If a Councilmember had additional comments to add later, they should signal the Chair to be recognized again after all members had the opportunity to speak. If members of the public wanted to offer comment and were attending in person, they should sign the sign-in sheet near the entrance to the Council Chamber to be called on to speak at the appropriate time. Members of the public attending virtually should use the hand-raising function in Microsoft Teams to signal the meeting organizer that they would like to speak or message the meeting organizer through the chat function with name, address or district, and the agenda item on which they would like to comment. He stated that all lines would be muted until individuals were called to speak, at that point, the speakers' microphone would be enabled, and they would need to unmute themselves in order to comment. He emphasized that public comments were limited to five minutes per person and all speakers were required to identify themselves prior to speaking. Comments in Microsoft Teams chat would not be considered part of the public record for the meeting unless they were read into the record as part of the public comment. He asked that all attendees keep cameras off until called on to speak.

5. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Elected Officials who represent City of Newark residents or utility customers (2 minutes): None

6. 1-B. UNIVERSITY

(1) Administration (5 minutes per speaker) (10 minutes):

4:12

Caitlin Olsen, UD Administration, shared there are many student life events for this weekend correlating to the Halloween season. There has been discussion of the university potentially hosting football playoff games. While positive for Newark's businesses, this does raise traffic concerns.

She acknowledged the recent coverage of the Mid-Atlantic Clean Hydrogen Hub (MACH2). The university has won this grant as part of a multi-state group. There will be an oversight group for the hydrogen research federal funding. This is positive for the university's on-campus hydrogen hub and its researchers. The group will meet and begin to divide the funding. She noted the funding is for several years. Companies will come in on that grant. She believed this to be a positive opportunity for workforce development.

Ms. Olsen stated she engaged different groups on campus to discuss bicycling improvements, current practices, and possible practices. She has additionally conducted her own research on the education of gold standard bicycle friendly universities. She wished to use this information for the university's own practices. Additionally, this could appeal to both current and prospective students.

She stated the Blue and Gold event will take place on the second weekend of November. This is where multiple families visit and make decisions regarding coming to campus. It will be especially busy at the STAR Campus due to overlap with Bloom Energy's Stars and Strides 5K race. While the times seem to sufficiently line up, there will still be more traffic than normal.

7. 1-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes): None

8:12

Benett Tilves, UD Student Government, shared he had a recent meeting with Ms. Ford discussing multiple items on which both parties can assist each other. One was for safer bicycling initiatives. He will share these items and correlating information at this Wednesday's University Senate meeting. Their feedback will be shared when he next visits Council.

He shared the Executive Board is very enthusiastic about working with the university and Council on increasing bike safety for bicyclists and drivers. They additionally have shown interest in working with BikeNewark, who have been on campus before for bike repairs and information sharing. There is interest in helping to fund reflectors, lights, and helmet raffles to promote cycling education to the students.

Mr. Tilves added there was discussion of Newark cleanup days and possible volunteering with students. He knew of the possibility for extra credit for classes, philanthropy hours for fraternities and sororities, and community outreach requirements for sports teams. He stated Student Government would be happy to spread that information to different sections of students on-campus through student affairs, academic, and athletic senators. He noted multiple areas dense with student housing become very dirty from student activity throughout the year.

He shared three new resolutions that will be proposed in the next Senate meeting on Wednesday. The first is regarding honors classes course expansion. The second pertains to personal hygiene products in campus bathrooms to comply with Delaware Code Title 14. The third is an amendment to their constitution regarding tabling resolutions in the meeting process. He welcomed anyone on Council to meet with him the same way as Ms. Ford did.

The Deputy Mayor opened the table to Council comment.

Ms. Creecy invited Mr. Tilves to email her to coordinate a meeting. She held interest in community programming through sports regarding City cleanliness.

Dr. Bancroft, Mr. Lawhorn, and Mr. McDermott echoed Ms. Creecy's statement.

8. 1-C. CITY MANAGER (10 minutes):

13:14

Mr. Coleman noted only one Council member has signed up to vote for the upcoming Halloween parade. He invited any others to participate if interested. The parade begins at 3 p.m., but the judges will need to be in the reviewing stand by 2:45 p.m.

9. 1-D. COUNCIL MEMBERS (5 minutes):

13:50

Dr. Bancroft:

- Thanked Ms. Olsen for the events and information. He believed good traffic benefits the community.
- Was pleased to hear the announcement of the hydrogen hub.
- Stated the concept of complete streets are a popular discussion and pertain to bicycle safety. He stated it captures most of the community's interests.
- Found it worth listening to speeches regarding the ongoing war overseas.

Ms. Ford:

- Announced the last Academy Street beer garden will take place on October 26th. There will be a bike safety table distributing literature with tips. Track Bicycle has provided a high-grade helmet for a raffle.
- Shared she took part in an event with Newark High School cleaning garbage by the library, Tyre Avenue, and George Read Park over the weekend. She noted many ride their bicycles. BikeNewark will do an event with the high school in conjunction with a Driver's Ed class with information on the rights and responsibilities of bicyclists.

Mr. Suchanec:

- Shared there has been resident interest to paint the fifteen-foot yellow curbs on the sides of fire hydrants. There have been complaints regarding illegal parking blocking line of sight at certain intersections. The yellow curbs have not been painted in a long time. He believed the residents should be allowed to paint it or another solution must be found. He stated there were summer jobs for students previously that would paint the curbs while providing them income. He wondered if this idea could be revisited. He believed it would additionally be appreciated by the fire company.

Ms. Creecy:

- Shared Dickey Park’s Little Free Library was vandalized again. However, a piece of wood was placed on it once more. She has refilled the library with books. She had the idea of inviting the children in the neighborhood to assist in painting the wood. She believed the wood served better than plexiglass.
- Explained she is pursuing the addition of speed bumps for Madison Drive and in Old Newark due to speeding.

Mr. Coleman added the Parks & Recreation Department replaced the plexiglass with plywood and plan to paint it.

Mr. Lawhorn:

- No comment.

Mr. McDermott:

- Noted he received several calls about idling vehicles. He stated the ordinance is unenforceable as currently written. Additionally, it does not include exceptions for emergency vehicles, public transportation, and vehicles that individuals work out of. He asked the City to take time to review it and investigate adding exceptions.

10. 1-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes): None

11. 2. APPROVAL OF CONSENT AGENDA: (1 minute)

- A. Approval of Council Meeting Minutes – September 18, 2023
- B. Approval of Council Meeting Minutes – September 25, 2023
- C. Receipt of Alderman’s Report – October 10, 2023
- D. Receipt of Financial Statement – August 31, 2023
- E. Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark for Various Purchases from Amazon Capital Services, Inc.
- F. ***First Reading – Bill 23-18 – An Ordinance Amending Chapter 27, Subdivisions, Code of the City of Newark, Delaware, By Creating Addressing Standards for Buildings in the City of Newark – *Second Reading – November 27, 2023****

20:12

Ms. Schiano read the consent agenda into the record.

MOTION BY MS. CREECY, SECONDED BY DR. BANCROFT: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

12. 3. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS: None

13. 4. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

14. 5. SPECIAL DEPARTMENT REPORTS:

- A. Setting of the Special Election Date and Associated Filing Deadline to Fill the Mayoral Vacancy – City Manager/City Secretary

21:33

Tara Schiano, City Secretary, explained there is now a mayoral vacancy due to the unexpected resignation of Mayor Stu Markham. Therefore, the City must hold a special election. His resignation was effective October 18, 2023. The window to hold this special election would be between December 17th and January 16th. Due to the holiday season affecting the availability of Department of Elections staff, City staff, and the Election Board, it is recommended the election be held January 9, 2024. The Department of Elections has confirmed that this is a suitable date. The deadline for nominating petitions will be Monday, December 11th. Nominating petitions will be accepted starting Tuesday, October 24th. When the details are finalized, additional information will be shared on the City’s website.

The Deputy Mayor opened the table to Council comment.

Mr. Lawhorn noted his only concern was why not use the full timeline available. He spoke to the City Secretary, it was discussed that Monday, January 15th is a holiday, therefore voting machines would not be able to be distributed. He received a sufficient answer and supports the date.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY MS. FORD, SECONDED BY MR. SUCHANEC: THAT COUNCIL SET TUESDAY, JANUARY 9, 2024, AS THE DATE FOR THE MAYORAL SPECIAL ELECTION AND TO SET THE FILING DEADLINE FOR SAID SPECIAL ELECTION AS MONDAY, DECEMBER 11, 2023.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

15. 5-B. APPROVAL OF THE FY2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) APPLICATION – DEPUTY POLICE CHIEF (5 MINUTES)

24:25

Kevin Feeney, Deputy Chief of Police, explained he was asking for the Council’s approval to receive this grant in the amount of \$20,130. The Police Department intends to use this grant award to fund supplemental patrols in specific areas as determined by crime intelligence and analysis.

The Deputy Mayor opened the table to Council comment.

There was no Council comment.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY MS. FORD, SECONDED BY DR. BANCROFT: THAT COUNCIL APPROVE THE ACCEPTANCE OF THE 2023 BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL ASSISTANCE GRANT APPLICATION AND AWARD WHICH SHALL FUND SUPPLEMENTAL OVERTIME DETAILS IN THE AMOUNT OF \$20,130.00.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

16. 5-C. PRESENTATION ON THE PLANNING PROCESS FOR THE UPDATE FOR THE NEWARK BICYCLE PLAN – PLANNING & DEVELOPMENT DEPARTMENT (30 MINUTES)

26:05

Mike Fortner, Senior Planner, explained he was presenting with Heather Dunnigan, Wilmington Area Metropolitan Planning Council (WILMAPCO), and Mark Deshon, BikeNewark. He noted Mr. Deshon is accredited with beginning “Bike To Work” Day in Newark. This presentation is to introduce the 2024 Newark Bicycle Plan update to their previous plan adopted in 2014. It will be part of the WILMAPCO planning process. This is a year-long process, beginning with reaching out to stakeholders. It will be presented to the Planning Commission, and then Council once more for approval. It will then be presented to WILMAPCO for final approval and be considered part of the State plan.

Mr. Deshon stated BikeNewark is the local bicycle advocacy group and work primarily within Newark’s city limits. He believed the basis of BikeNewark’s success is their ability to work with their foundation partners. Bringing together stakeholders helps them to work quickly and efficiently to seek the best solutions to promote bicycling and further enhance the City’s character. BikeNewark is excited to work with the City to update this plan. This plan is a part of their mission and objectives for making Newark a better and safer place for bicycling.

Mr. Fortner stated this is a part of updating the Comprehensive Development Plan. It is additionally a portion of the Sustainable Newark plan, under Theme 2: We Plan and Develop For All. This

supports a car-free lifestyle for complete streets and communities while reducing Newark's greenhouse footprint.

Ms. Dunnigan stated WILMAPCO is always pleased to work with BikeNewark and the City due to their commitment to their plans. She reiterated it has been ten years since the last Newark Bike Plan was approved. Almost all its goals, both simple and difficult, have been accomplished. She stated this reflects Council's leadership and support from both City staff and BikeNewark. She stated this update is due and there are many new ideas from the public. She, Mr. Deshon, and Mr. Fortner completed a listening tour, attended Community Day, and are touring City committees. They are additionally open to visiting other groups recommended to them for feedback. This includes ardent bicyclists, occasional riders, and those pursuing better transportation options.

She explained the recommendations for bicycle infrastructure improvements along with associated programs and policies will be updated. WILMAPCO wishes to emphasize improved equity as there are those who rely on bicycling for primary transportation. They wish to balance both environmental and financial sustainability.

Ms. Dunnigan noted there have been many accomplishments since 2014. This list reflects the leadership of the City along with partnerships with DelDOT and community organizations. She stated many impressive routes have been built that expand the network of safe street bicycling and walking routes. This additionally includes associated amenities such bike routes, wayfinding signage, and the Delaware Avenue cycle track. The latter provides an east-west connection through downtown Newark.

She shared larger projects include the I-95 and 896 interchange construction. It will help for safer driving while including a bicycle and pedestrian pathway that crosses I-95 along 896. It will tie into improvements shown in the Newark Transportation Improvement District (TID) as well as planned improvements by the county to Lums Pond and the canal. The Parks & Recreation Department has funding for a project pertaining to a connector between the Emerson Bridge and Pomeroy Trail. This project will allow BikeNewark and the City to finish their wayfinding signage on the network.

Ms. Dunnigan shared there has been significant planning since 2014. The TID identified many bicycle and pedestrian improvements as well as funding mechanisms for them. Other plans include the Wyoming Road Corridor Plan to upgrade its facilities. She was interested to see if the university held any interest in improving their bicycle facilities, noting they have investigated bikeshare feasibility in the past. Regionwide, the Newark Bicycle Plan and county initiatives are underway.

Mr. Fortner reminded Newark was named a Bronze-level bicycle-friendly community by the League of American Bicyclists. First, they received an honorable mention. Then, they increased to Bronze. This year, they have been raised to Silver. The League of American Bicyclists is an outside agency that evaluates the City and presents them with a report card. This evaluation is used when considering City planning. However, they are not their stakeholders. The stakeholders are Newark's residents, bicyclists, and community. The evaluation is used as a guide and recommendation, but the process is overall seeking public input.

He continued the League of American Bicyclists has a standard of how they evaluate municipalities. There are five criteria referred to as the Five E's: engineering, education, encouragement, evaluation, and equity. This evaluation shares which areas the City is exceeding in and which areas the City could improve.

Mr. Fortner noted the League of American Bicyclists shared recommendations on how Newark can achieve a Gold-level bicycle friendly community. This includes the adoption of the National Association of City Transportation Officials' urban bikeway guidelines, lowering speed limits on residential streets to 20 mph, increasing the amount of high-quality bicycle parking, and encouraging UD to become a bicycle-friendly university. He explained UD applied and received an honorable mention along with multiple ways they could reach a Bronze or Silver standard. Many universities in the area are Silver, such as Penn State, the University of Cincinnati, and the University of Maryland. He believed UD could reach this level reasonably quickly. The League of American Bicyclists additionally recommended a public bikeshare program and the adoption of a Vision Zero policy for reducing traffic accidents. He stated equity is a factor the City must improve. The City must aim for outreach to those who have typically been missed in the past.

Ms. Dunnigan explained areas of focus during this update will be better connecting land use with transportation. She noted Newark is a still-growing community that wishes to tie their growth with good mobility for bicycling, as well as pedestrians. There have been many concerns about bike parking,

especially in older commercial areas. She pointed out Newark commercial areas must comply with Code for bicycle parking, but many older shopping centers do not offer sufficient areas to park bicycles.

She explained Vision Zero is a portion of the League of American Bicyclists' feedback which the WILMAPCO region supports. Fatalities and serious injuries are at record highs for differing types of trips. Bicyclists and pedestrians are particularly vulnerable due to the lack of protection compared to what a car provides. There are measures to obtain federal grant funding to address those safety needs.

Ms. Dunnigan explained equity will be a revisited focus to make sure their mission is reaching underserved communities and nontraditional partners. BikeNewark hopes to pursue equitable outcomes pertaining to where those facilities are being built and connecting to the people who need it the most. She noted there was a positive meeting with the Conversation Advisory Commission at which they discussed positive ways to attach the bicycle plan to the efforts to address climate change and global warming. This includes the design of the facilities, emphasizing cool pavement, shading, trip comfortability, and a more sustainable Newark. There will be a long list of recommendations that cannot be completed all at once, therefore, working with the community to identify the highest priorities will be a portion of the planning process.

Mr. Deshon stated BikeNewark feels strongly that both they and the City must work closely with the university to move forward. He stated Newark is one of only four cities in the United States to upgrade from Bronze to Silver in 2023. Additionally, there are only 41 cities in the United States that have a higher grading. He believed the university itself is behind in its approach to bicycling, hence this encouragement.

The Deputy Mayor opened the table to Council comment.

Ms. Ford noted Mr. Deshon and Bob McBride will also be at the bicycle safety table with BikeNewark at the October 26th Academy Street Beer Garden Event. She stated it is important to educate the public on the use of bike lights, noting she received comments from many people who were confused about how they operated. She was pleased to see the literature explain the sharrows on Main Street. She had previously discussed them at a District 2 meeting at the Newark Free Library where none of the attendees were aware of what a sharrow is.

She noted the new bikeway along Delaware Avenue and concerns regarding lack of signage indicating that the bikeway is two-way traffic where cars exit from the Galleria and behind the United Methodist Church. Cars look to the right for oncoming cars and bicycles, but not to the left for oncoming bicycles.

Ms. Ford added bicyclists should travel at excessive speeds along two-way bike lanes and trails, even when the speed limit permits, such as 25 mph. She shared the consensus of multiple bicyclist groups is that shared paths should have speed limits of 15 mph. However, she has witnessed bicyclists moving at increased speeds with the arrival of ebikes. She suggested a speed limit should be posted along the James Hall and Pomeroy Trails to protect pedestrians. She commended BikeNewark for their work, believing the City is deserving of a Gold ranking.

Ms. Dunnigan agreed there needs to be more bicycle education.

Mr. Deshon wondered if the City would like to promote the two educational videos produced by BikeNewark. One specifically addresses sharrows and Main Street, and another addresses the contraflow lane between North and South College Avenue.

Ms. Ford asked if this could be made available on the City's website.

Mr. Coleman stated it was possible. He asked if these videos have been posted on Facebook.

Mr. Deshon stated there is also a page consisting of an entire list of bicycle safety resources that could be shared.

Mr. McDermott encouraged Mr. Deshon to forward these videos to Council to also distribute through their newsletters.

Dr. Bancroft echoed the previous statements.

Mr. Lawhorn asked if there is a detailed report regarding Newark's Silver grading. He noted the previous statements that Newark seems to be lower than average in terms of biking education. He wished to educate himself on this program's scoring to use for reference.

Ms. Dunnigan stated the report received for this meeting is a short memo. However, there are more in-depth documents on the League of American Bicyclist's website that share the best practices of Gold and Platinum communities. They will be considered in the plan update.

Mr. Fortner shared there is a guide on the website that explains the details of each criterion.

Mr. Lawhorn noted there were items within Planning and Development that Council could support. He noted in development projects, there was always advocacy for additional bike parking. However, he wished to understand more of the details to facilitate asking more informed questions of the developers.

He stated the City and BikeNewark have made progress in the last few years. He asked Mr. Deshon if Council should focus on anything specific for Newark's biking community.

Mr. Deshon believed targeted enforcement would be worthwhile consideration. He acknowledged the current staffing shortages in the Police Department. He worried bicycles riding incorrectly could reflect negatively of Newark's biking community. He feared another tragic incident could occur if left unaddressed. Issues he noted were biking on sidewalks and riding too fast in certain areas. He believed university students need to be educated to not wear earbuds or headphones while riding.

Mr. Lawhorn suggested establishing an area on the City's website dedicated to bicycling. This could include education for both those learning and teaching how to bike. He wished to expand the work BikeNewark is doing by helping to spread it to a broader audience.

Ms. Creecy congratulated the City on its Silver-level rating. She commended the sign stating, "Drive like your kids live here." She thanked Ms. Dunnigan for her work in keeping this issue at the forefront of discussion. She thanked Ms. Ford for her advocacy on bicycle education and concurred with her statements. She noted many children in her neighborhood ride bikes but are not aware of bicycle safety.

She suggested that BikeNewark visit schools for bicycle education assemblies. She believed that this could be an effective way to share information.

Ms. Dunnigan was very open to this idea. She welcomed any contacts that could be shared for this initiative. There is a strong partnership with Downes Elementary School, but not as much with high schools or West Park Elementary School.

Mr. Fortner noted this was an issue when filling out the application for the bicycle friendly community rating. The high schools have a high demand and large audience, but staff have not been able to connect with them.

Ms. Ford reached out to both Principal Tina Pinkett and the Chair of the PTA. They believed this education would be best in a Driver's Ed class, but that could be discussed.

Ms. Creecy concurred with Ms. Ford.

Mr. Suchanec believed DelDOT must have more involvement. He recommended they consider painting the separation median between the bike and car lanes on Delaware Avenue. He has witnessed cars enter the bike lane. This median is also hard to see in unclear weather.

He noted he has received comments from bicyclists regarding problematic intersections. He noted one is the intersection between Barksdale Road, Hillside Road, and the bridge at Apple Road. It is sometimes difficult for pedestrians to cross as it can be hard to tell when traffic has the right-of-way. He wondered if DelDOT can address these intersections from the point of view of bicyclists and pedestrians.

Mr. Suchanec supported additional youth bicycling education. He will reach out to the Newark Charter School to see if BikeNewark would be able to visit.

Mr. Dunnigan stated there are many new innovations for bicycle safety on Delaware Avenue. It has been over a year since DelDOT was permitted to experiment along that roadway. She believed it would

be beneficial for the City to reach out to DelDOT for an update. There has been discussion with BikeNewark and the City regarding putting reflectors on those islands due to their issue with being seen, particularly at night and in poor weather.

Mr. McDermott acknowledged tragic accidents occur sporadically and are heard about by the public. As the public gains knowledge of only those that end in tragedy, he asked how frequently bicycle accidents occur in general.

Mr. Coleman did not have specific data on hand. However, he estimated there have been 11 since the beginning of 2023.

Mr. McDermott noted that is a significant number.

Ms. Dunnigan added most result in minor injuries or property damage due to slower traffic speeds. The fatality that occurred in the past few weeks was the first in many years. However, every crash involving a bicyclist could potentially be serious due to the lack of protection.

Mr. McDermott believed safety to be a top priority for all members of Council. He noted their school resource officers at the charter schools who hold education as a part of their job. This should be an easy method to promote bicycle education in their schools.

The Deputy Mayor opened the floor to public comment.

Ms. Schiano proceeded to read a public comment into the record.

“Dear Newark City Council,

I read with great interest the report on the planning process for the 2024 update for the Newark Bicycle Plan. I am very grateful that the City of Newark is looking at how to make the streets of the City more bicycle friendly. I hope City Council will support these efforts going forward, and as someone who commutes by bicycle from the Hunt at Louviers to the downtown area, I’m grateful for improvements such as the semi-protected bike path on Delaware Avenue. However, it is still somewhat harrowing to bicycle on Paper Mill Road, a main artery for going in and out of downtown on spots where the road is narrower and without protection for cyclists. I hope I can track progress in Newark and see the City get an improved score on the report for bicycle friendly.

Thank you,

Sam Vanhorn
District 6.”

There was no further public comment, and the Deputy Mayor returned the discussion to the table.

Mr. McDermott thanked Ms. Dunnigan, Mr. Deshon, and Mr. Fortner for their presentation and their work for the City.

17. 5-D. RESOLUTION NO. 23-__ FIXING A TIME AND PLACE FOR A HEARING ON THE VACATION OF INDEPENDENCE CIRCLE

1:00:09

Ms. Schiano read the resolution into the record.

Renee Bensley, Planning & Development Director, explained on July 31, 2023, staff received an application from the Newark Housing Authority (NHA) for a Comprehensive Plan amendment, the rezoning and major subdivision =site plan approval for 313 East Main Street. This runs back to both Independence Circle and partially Delaware Circle. NHA has requested the existing Independence Circle be vacated by the City to be included as part of the project.

In compliance with the City Code, Council must adopt a resolution fixing a time and place for a hearing at which interested persons may be heard on the question of whether there is a necessity for the continuation of the existing public street. This resolution will satisfy that portion of the process. The hearing will subsequently be advertised and the final resolution regarding the approval of the street vacation will be considered at the Council meeting on November 13, 2023.

Ms. Bensley shared staff has decided to portion off the street vacation part of the project to not delay the project from going before the Planning Commission and Council due to the additional advertising requirements. If the Council agrees with setting the hearing date for the requested street vacation, staff recommend they approve the attached resolution.

Mr. McDermott asked if this resolution is only to set the date of the hearing. He additionally asked for clarification that subsequent questions of the process can be asked at that hearing.

Ms. Bensley confirmed so.

The Deputy Mayor opened the table to Council comment.

There was no Council comment.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY MS. FORD, SECONDED BY DR. BANCROFT: THAT COUNCIL APPROVE THE RESOLUTION FIXING A TIME AND PLACE FOR A HEARING ON THE VACATION OF INDEPENDENCE CIRCLE AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

(RESOLUTION NO. 23-P)

18. 6. **FINANCIAL STATEMENT:** None

19. 7. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER CONSENT AGENDA LIMIT:**
A. Recommendation to Amend the 2023-2027 Capital Improvement Program Budget and Award Contract 23-16 (Field Operations Complex Perimeter Fencing Replacement) – Chief Procurement & Projects Officer (10 minutes)

1:02:50

Jeff Martindale, Chief Procurement & Projects Officer and Facilities Maintenance Manager, explained Contract 23-16 consists of a necessary replacement of the Field Operations Complex's security fencing. The existing fence is dated, damaged, and does little to screen the facility. Like its predecessor, the replacement will be a chain-link fence with barbed wire. However, it will be 2 feet taller with black privacy slats embedded in the fence to screen the employees and equipment from the surrounding area. The City received \$247.5K in 2022 from the State Bond Bill for this project. Staff is proposing to use American Rescue Plan Act (ARPA) funding to cover the remaining expense, preventing the use of current resources for this project.

The Deputy Mayor opened the table to Council comment.

There was no Council comment.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY MS. CREECY, SECONDED BY MS. FORD: THAT COUNCIL APPROVE A BUDGET AMENDMENT TO THE 2023-2027 CAPITAL IMPROVEMENT PROGRAM AS PRESENTED AND AWARD CONTRACT NO. 23-16 TO THE LOWEST RESPONSIBLE BIDDER PRO MAX FENCE SYSTEMS, LLC IN THE AMOUNT OF \$304,533.00.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

20. 7-B. RECOMMENDATION TO AWARD REQUEST FOR PROPOSAL (RFP) 23-03: VIDEO MANAGEMENT SYSTEM REPLACEMENT – CHIEF PROCUREMENT & PROJECTS OFFICER (10 MINUTES)

1:04:48

Donald Lynch, IT Infrastructure Manager, explained this would be awarded to The Protection Bureau, a Pavion Company. The City received a total of nine proposals to replace the aging Video Management System (VMS). This system is the backbone to all public safety cameras around Newark. All proposals were reviewed by the evaluation committee, including members of the IT Division, the Police Department, the Parking Division, and the Chief Procurement & Projects Officer.

He continued to explain the top six ranked vendors were invited back for a demonstration and Q&A session. Hitachi Vantara was the committee's highest ranked vendor. However, their pricing came in significantly over-budget at \$1.2M. Pavion Security received the second highest score for their Genetec proposal. It offers many of the same integrations and features as Hitachi Vantara, but for a fraction of the cost. Staff recommends awarding RFP 23-03 to the staff selected vendor, The Protection Bureau, for their VMS solution not to exceed \$129K. The ARPA grant funds will be used to fund this contract.

The Deputy Mayor opened the table to Council comment.

Ms. Creecy asked for clarification after meeting with their vendors, the proposal was over \$1.2M.

Mr. Lynch clarified that was the proposal for the highest ranked vendor. Staff chose the vendor ranked second highest.

Mr. McDermott asked what the other \$1M proposed by the highest ranked vendor would provide that the second vendor could not.

Mr. Lynch responded they recommended more storage.

Mr. McDermott acknowledged the large gap in price for the bids between the highest ranked vendor and the second highest ranked vendor. He wished to be cautious so the City would not purchase a cheaper but less effective VMS and then regret it in the future.

Mr. Lynch stated all other bids fell around the same cost range as the second highest bidder.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY MS. CREECY, SECONDED BY DR. BANCROFT: THAT CITY COUNCIL AWARD A CONTRACT STEMMING FROM RFP 23-03 TO THE PROTECTION BUREAU, A PAVION COMPANY, FOR THE PROVISION OF COMPLETING A VIDEO MANAGEMENT SYSTEM REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$129,000.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

21. 7-C. RECOMMENDATION TO AWARD REQUEST FOR PROPOSAL (RFP) 23-04: LOBBYING AND INTERGOVERNMENTAL CONSULTANT SERVICES (10 MINUTES)

1:08:13

Mr. McDermott noted Dr. Bancroft wished to make a motion and suggested having a discussion before receiving a second on the motion.

Dr. Bancroft asked Council to get a second chance to look and carefully read through the documents presented in this item. He did not believe there were sufficient equivalents to compare. He noted the supporting documents to this item were received today and wished to keep the public's interest regarding access in mind. For this reason, he wished to table item 7C with a vote to be taken on November 13th when Council has had a chance to appreciate the State Bond investments and consider the City's interest in assembly bills and contribute to Council's general sentiments about these services.

Mr. McDermott asked for confirmation that this RFP went out to bid, but only one was received.

Mr. Martindale confirmed this is correct.

Mr. McDermott noted this went through the public process, was advertised in the newspaper, and fulfilled all City's bid requirements. There were still no other bids received.

Mr. Martindale explained typically staff conducts a review committee process for requests for proposal. He cited an example of the previous agenda item for the Video Management System RFP, not all ten proposals were included as attachments to the memorandum. In an effort to provide full transparency, staff wanted to have the one proposal that was submitted for this RFP attached to the recommendation memo. However, due to an oversight, it was not attached until today. He assured it was reviewed by staff in advance of making the recommendation to Council.

Mr. McDermott asked if there are any other responses to this bid or if there are any being withheld.

Mr. Martindale confirmed there is still only one.

Mr. Coleman explained this was the third time this bid package had been advertised. While there were a few applicants for the first round, only one applicant seemed to qualify due to Council's strict requirements for limitations on other clients. The second round, there was only one applicant, and the same for the third. He believed the restrictions would need to be adjusted if Council desired additional bidders. If Council wishes for a lobbyist that prioritizes them, there will be a limited pool of applicants. However, this comes with the guarantee there will be less opportunity for conflicts of interest.

Mr. Martindale noted this was advertised on the City's website, the News Journal, and emailed to eleven different vendors. There were no other vendors who responded.

MOTION BY DR. BANCROFT, SECONDED BY MS. FORD: TO TABLE 7C UNTIL NOVEMBER 13TH.

MOTION FAILED. VOTE: 2 to 4.

Aye – Ford, Bancroft.

Nay – Lawhorn, Creecy, Suchanec, McDermott.

Absent – 0.

Mr. Martindale shared RFP 23-04 is a repeat request for proposal for Lobbying and intergovernmental consulting services. This contract is different than previous because it is for five years as opposed four. As 2024 is the second year of the current legislative session, the five-year term for this contract will allow the City to align with the legislative sessions and return to a four-year contract in future RFPs. He reiterated the City received one submission for this RFP. The proposed firm, Blue Hen Strategies, has a familiar face in James DeChene. Rick Armitage, Armitage & DeChene, has chosen to retire. Blue Hen Strategies is Mr. DeChene's new firm without his former partner. Staff are satisfied with Mr. DeChene's previous work as the City's lobbyist. A striking example of Mr. DeChene and Mr. Armitage's lobbying efforts is the \$5.5M they have helped the City receive from the State Bond Bill and Community Reinvestment funds since 2022. The review committee for this RFP requests Council approve entering a contract with Mr. DeChene to extend his current services.

The Deputy Mayor opened the table to Council comment.

Dr. Bancroft appreciated the work their lobbyists have done for the City. He stated the City has much to gain from their presence in Dover. He had not had much of a chance to review the document before the meeting. He agreed with Mr. Coleman and believed it was worthwhile to revisit the process in the future to allow easier evaluation by Council. He noted Mr. DeChene had positive personal references shared. With this, he was comfortable with the likely outcome of the forthcoming vote.

Ms. Ford stated she was aware this was a new company and was sorry to hear of Mr. Armitage's retirement. She did not see any harm in delaying the vote until Dr. Bancroft felt more comfortable but believed the lobbyists had done a good job for the City.

Mr. Suchanec acknowledged while Mr. DeChene has worked closely with the City in the past, the firm is new. He wanted to know if it was advisable to enter a multi-year contract with a new firm. He wondered if it was wiser to contract for a smaller term to evaluate their performance.

Mr. Martindale explained the contract is for three years with two opportunities for one-year extensions. Staff believe it is more beneficial for someone to become familiar with the City than starting anew with someone who would likely take at least a year to gain traction on the City's operations before taking it to legislators in Dover.

Mr. Suchanec asked what the plan will be if Council is unsatisfied with this firm's performance within the next three years.

Mr. Martindale stated there are clauses in the contract that allow for its early termination.

Mr. Suchanec noted the RFP states Mr. DeChene will support the City's interests at the county, state, and federal level. He did not recall a period where either Mr. DeChene or Mr. Armitage supported Newark at the county and federal levels. He asked if this had happened in the past.

Ms. Creecy assured him they had supported the City on these levels before.

Mr. Suchanec noted Mr. DeChene and Mr. Armitage have done great work for the City on a state level.

Mr. Coleman stated federal was included, but staff has pictured this as speaking with the Delaware delegation to the federal government and working with Sen. Tom Carper and Sen. Chris Coons. Sending a lobbyist to Washington, D.C. is not anticipated.

James DeChene, currently Armitage DeChene & Associates and soon to be Blue Hen Strategies, specified this verbiage was listed as a suggestion of items that the firm could do to bring in legislators to the area to show off the City.

Mr. Lawhorn believed Mr. DeChene has done an exceptional job for the City. He stated there is a noticeable improvement in the lobbyists' performance. He believed the cost is low compared to other firms. However, he shared the same concern as Mr. Suchanec regarding the contract's timespan. He asked if the City would be able to exit the contract if the service is not sufficient.

Ms. Creecy and Mr. Martindale clarified there is a clause making this possible.

Mr. Lawhorn asked what this clause entailed.

Mr. Martindale explained it is a poor performance clause. It is up to the City's discretion to determine what defines poor performance.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY MS. CREECY, SECONDED BY MR. SUCHANEC: THAT COUNCIL AWARD A CONTRACT STEMMING FROM REQUEST FOR PROPOSAL FOR 23-04 FOR LOBBYING AND INTERGOVERNMENTAL CONSULTANT SERVICES TO BLUE HEN STRATEGIES OF NEWARK, DELAWARE OUTLINED IN THE OCTOBER 13, 2023 STAFF MEMO.

MOTION PASSED. VOTE: 5 to 1.

Aye – Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – Bancroft.

Absent – 0.

22. 7-D. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF A KNUCKLEBOOM REFUSE COLLECTION TRUCK BASED ON COMPETITIVELY SOLICITED PURCHASE CONTRACTS IN ASSOCIATION WITH SOURCEWELL FOR CIP REQSF – DIRECTOR OF PUBLIC WORKS & WATER RESOURCES (20 MINUTES)

1:22:13

Tim Filasky, Public Works & Water Resources Director, stated he was here with Dave Vispi, Senior Mechanic II, to present this recommendation. He explained a Knuckleboom truck lifts items that staff are unable to by hand. If approved, this truck is expected to arrive in June 2024. This is a relatively short

waiting period compared to those experienced in the recent past. This purchase would be a part of the Lease Purchase Agreement approved by Council earlier in the year. This vehicle is a one-to-one replacement of the current. Once this is procured, the current vehicle will be put into reserve. The aged 1997 vehicle currently in reserve will be disposed of.

The Deputy Mayor opened the table to Council comment.

Ms. Ford noted she researched a Knuckleboom truck and was able to find details regarding its pricing. She believed the pricing of the vehicle presented is reasonable.

Ms. Creecy asked if the department planned on keeping the current truck to utilize for the Parks & Recreation Department.

Mr. Filasky explained there are currently two Knuckleboom trucks: one in primary use, and one in reserve which is frequently used by Parks & Recreation. Once the new truck is procured, the 1997 truck currently in reserve will be disposed of. The current primary truck from 2011 will be placed in reserve for Parks & Recreation.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY D. BANCROFT, SECONDED BY MS. FORD: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF ONE KNUCKLEBOOM TRUCK FROM THE SOURCEWELL COMPETITIVELY BID CONTRACT NO. 040621-PLL FROM INFRASTRUCTURE SOLUTIONS GROUP IN THE AMOUNT OF \$211,633.96.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

23. 7-E. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF A STREET SWEEPER TRUCK BASED ON COMPETITIVELY SOLICITED PURCHASE CONTRACTS IN ASSOCIATION WITH SOURCEWELL COMPARED TO ADDITIONAL LOW BID OPTION FOR 2023-2027 CIP PROJECT QEQSF – DIRECTOR OF PUBLIC WORKS & WATER RESOURCES (10 MINUTES)

1:26:21

Mr. Filasky explained this is also based on Sourcewell, in addition to a low-bid option. The City always looks to Sourcewell first as it is the most convenient option. After Sourcewell provides a price, they are able to use it per City Code. However, staff will typically still reach out to another vendor to obtain a comparable quote. The model selected for consideration was received from a western Pennsylvania manufacturer and was priced lower than the Sourcewell bid. This is a positive indication that parts, service, and availability will be the same as what has been witnessed from the typical central Pennsylvania vehicle belt. He stated the street sweeper is especially important due to being under the federal mandate for a MS4 which is a municipal separate stormwater system. Street sweeping is a mandate for this permit, which staff recently received approval for the City's newest permit.

He continued to explain that the current sweeper was purchased in 2016 as a used vehicle from the Town of Bridgeville. While staff believed a new one would be needed to be purchased in 2019, it has lasted until 2023. This new vehicle will be procured in 2024. Staff initially hoped to purchase an electric vehicle. However, the pricing was significantly higher at nearly \$500K compared to the proposed vehicle at \$262K. Staff will investigate electric sidewalk sweepers when they need replacements.

The Deputy Mayor opened the table to Council comment.

Mr. Suchanec asked if this is a new vehicle or replacement.

Mr. Filasky confirmed so. The current vehicle will be sold instead of repurposed.

Mr. Suchanec asked if there is any value in acquiring a vehicle of the same model and manufacturer as the previous for maintenance purposes.

Mr. Filasky responded there is not.

Ms. Creecy stated she agrees this replacement is needed. She stated the noises she had heard from the current vehicle show its age and deterioration.

Mr. Filasky stated the current vehicle has two engines and runs at a relatively high idle. He did not know if the new machine would be quieter.

Mr. McDermott noted Council wished to see the City's fleet move toward electric vehicles. However, the price difference is high enough to require a 3.5% tax increase.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY BLANK, SECONDED BY MS. FORD: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF VEHICLE 1530, A STREET SWEEPER, FROM STEWART-AMOS EQUIPMENT CO. IN THE AMOUNT OF \$262,360.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – 0.

24. 7-E. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF VEHICLE MAINTENANCE LIFTS BASED ON COMPETITIVELY SOLICITED PURCHASE CONTRACTS IN ASSOCIATION WITH SOURCEWELL FOR CIP PROJECT M2201 – DIRECTOR OF PUBLIC WORKS & WATER RESOURCES (10 MINUTES)

1:31:40

Mr. Filasky stated this item is a recommendation to purchase a vehicle lift to be able to service the City's fleet. The current in-ground lifts consist of vats of oil that transfer back and forth to lift the vehicles off the ground for service. Staff aim to replace these lifts with column lifts. This will remove the 200-gal. reservoir of oil from the ground. If the current in-ground lifts were to leak into the surrounding soil, the maintenance required to remediate it would be massive. The removal of these lifts will move the City closer towards its environmental cleanliness goals.

He explained there are mobile lifts in the garage that are utilized on a near-daily basis. The new lifts would be completely compatible as they are the exact same model. Everything would be adjusted to make these lifts interchangeable when needed. If a truck cannot be transferred to the garage, the mobile lifts are able to be moved across the parking lot to perform service on that vehicle.

The Deputy Mayor opened the table to Council comment.

Dr. Bancroft appreciated staffs consideration for environmental health.

Mr. McDermott noted the funding is being pulled from the 2018 referendum. He asked how that money would be used for this purchase.

Mr. Filasky explained the City had \$3M in general fund capital projects that were contemplated as part of the 2018 referendum. One was for lifts, and was specifically included in the referendum. Around half have been replaced, this would replace the remaining.

The Deputy Mayor opened the floor to public comment.

There was no public comment, and the Deputy Mayor returned the discussion to the table.

MOTION BY DR. BANCROFT, SECONDED BY MS. CREECY: THAT COUNCIL AMEND THE 2023-2027 CIP BUDGET AS DESCRIBED AND WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE AND INSTALLATION OF ONE (1) – 2-POST LIFT AND FOUR (4) – MOBILE COLUMN LIFTS FROM THE SOURCEWELL COMPETITIVELY BID CONTRACT FROM STERTIL-KONI, USA FOR \$113,920.

MOTION PASSED. VOTE: 6 to 0.

Aye – Suchanec, Ford, Bancroft, Creecy, Lawhorn, McDermott.
Nay – 0.
Absent – 0.

- 25. 8. ORDINANCES FOR SECOND READING & PUBLIC HEARING: None
- 26. 9. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT: None
- 27. Meeting adjourned at 8:35 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh

DRAFT